

DOCKET FILE COPY ORIGINAL  
RECEIVED

JAN 19 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendments to Parts 1, 2 and 101	)	WT Docket No. 99-327
Of the Commission's Rules	)	
To License Fixed Services	)	
At 24 GHz	)	

COMMENTS OF THE  
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION

By: Mary McDermott  
Brent H. Weingardt  
PERSONAL COMMUNICATIONS  
INDUSTRY ASSOCIATION  
500 Montgomery Street, Suite 700  
Alexandria, VA 22314  
(703) 739-0300

January 19, 2000

No. of Copies rec'd  
List A B C D E

at 9

## **SUMMARY**

PCIA is pleased that the Commission has decided to open the 24 GHz band for licensing to multiple fixed service providers. The Commission correctly recognizes that the 24 GHz band – along with the 2.5, 28-31 and 39 GHz bands— offers new businesses an opportunity to establish local, advanced telecommunications services in competition with incumbent telephone companies and cable operators. PCIA urges the Commission to structure these rules to ensure that new competitors are able to compete for this spectrum and provide service to the public.

**First**, the Commission should retain the primary status of fixed services in these frequencies. The Commission allocated the band for fixed services just two years ago and there has been no showing that mobile services can coexist with the emerging broadband providers at 24 GHz.

**Second**, the Commission should adopt Basic Trading Areas (BTAs) as the size of licensing areas. The Commission has twice determined that BTAs are the appropriate size for fixed wireless access licensing since they reflect areas within which consumers have a community of interest. Moreover, the Commission has twice rejected areas larger than BTAs as too large to provide small businesses, rural telephone companies and minority businesses with a realistic opportunity to participate in auctions. Rather than forcing these entities to purchase licensing areas that far exceed their capacity and needs, the spectrum should be auctioned in BTA license areas—or their equivalent—with

procedures established to permit an entity to combine license areas to meet its business plans.

If the Commission wishes to avoid the use of BTAs due to copyright complications, an equivalently sized licensing area is available. The Commerce Department defines 348 Component Economic Areas (CEAs) that are close to BTAs in size and reflect centers of economic activity.

**Third**, the Commission should allow additional operational flexibility within the spectrum blocks held by a single licensee. Specifically, the Commission should not dictate the directional usage of the 40 MHz spectrum pairs, but allow licensees to configure their operations in a manner that permits the use of alternative access schemes.

**Fourth**, the Commission should adopt procedures for a licensee to choose its regulatory status based upon its particular service offerings. If the Commission adopts forbearance for licensees offering common carrier services, it should extend this regulatory forbearance to all fixed broadband spectrum bands, not just 24 GHz licensees. Selective forbearance provides one group of fixed wireless licensees with a regulatory competitive advantage over licensees offering a like service. The Commission only recently concluded in its Spectrum Policy Statement that its rules should create regulatory neutrality among similar technologies.

**Fifth**, consistent with its goal of regulatory neutrality, the Commission should adopt license terms and renewal expectancies consistent with those already adopted for LMDS and 39 GHz. Based on experience to date, there is

simply no reason to adopt a stricter buildout requirement for 24 GHz licenses. This standard would also harm small entities by making it more difficult to attract financing to meet these strict numerical buildout standards.

**Sixth**, the Commission should adopt wide area licensing for both CPE and nodal stations. The Commission should require coordination of nodal stations only when emissions at the service area boundary exceed a specific power flux density.

**Seventh**, the Commission should increase the size of the bidding credits for small and very small entities and extend credits to entrepreneurs as well. At a minimum, the Commission should copy the LMDS rules that provide a 45 percent bidding credit to very small businesses, a 35 percent bidding credit for small businesses and a 25 percent bidding credit for entrepreneurs. These larger bidding credits are necessary to allow these designated entities a chance to compete for and obtain fixed licenses based upon the extraordinarily large Economic Areas. In the alternative, the Commission should wait to adopt bidding credits until it has assessed the success of designated entities in the upcoming 39 GHz auction.

With these modifications, PCIA urges the Commission to move forward with adoption of 24 GHz rules to provide the public with another option for competitive wireless fixed broadband alternatives.

## **TABLE OF CONTENTS**

SUMMARY.....	i
TABLE OF CONTENTS.....	iv
I. The Commission Should Grant Fixed Services Primary Status in the 24 GHz Band.....	4
II. The Commission's Decision to Create Licenses Based Upon Economic Areas Will Limit Involvement of Small Businesses and Start-up Companies.....	5
III. The Commission Should Allow Licensees Additional Flexibility in Their Use of 24 GHz Spectrum.....	11
IV. The Commission Should Initiate a Forbearance Proceeding For All Fixed Wireless Licensees Operating as Common Carriers Irrespective of Frequency Band.....	13
V. The Commission Should Adopt License Terms and Renewal Expectancies Consistent With Licenses in Other Fixed Wireless Frequencies.....	16
VI. The Commission Should Further Simplify Its Proposed Coordination Rules.....	18
VII. The Emissions Limitations Rules Should Be Consistent With Standards For Other Services Above 15 GHz.....	19
VIII. The Commission Should Adopt Larger Auction Credits to Assist Designated Entities.....	19
IX. CONCLUSION.....	22

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendments to Parts 1, 2 and 101	)	WT Docket No. 99-327
of the Commission's Rules	)	
To License Fixed Services	)	
At 24 GHz	)	

**COMMENTS OF THE  
PERSONAL COMMUNICATIONS INDUSTRY ASSOCIATION**

The Personal Communications Industry Association ("PCIA")<sup>1</sup> respectfully submits its comments in response to the Commission's Notice in the above-captioned proceeding.<sup>2</sup>

PCIA is pleased that the Commission is moving forward in its effort to provide more fixed wireless broadband options to the American public. With the opening of the 24 GHz band to competitive use, business and residential

---

<sup>1</sup> PCIA is an international trade association established to represent the interests of both the commercial and private mobile radio service communications industries and the fixed broadband wireless industry. PCIA's Federation of Councils includes: the Paging and Messaging Alliance, the Broadband PCS Alliance, the Site Owners and Managers Association, the Private Systems Users Alliance, the Mobile Wireless Communications Alliance, and the Wireless Broadband Alliance. As the FCC-appointed frequency coordinator for the 450-512 MHz bands in the Business Radio Service, the 800 MHz and 900 MHz Business Pools, the 800 MHz General Category frequencies for Business Eligibles and conventional SMR systems, and the 929 MHz paging frequencies, PCIA represents and serves the interests of tens of thousands of FCC licensees.

<sup>2</sup> Amendment to Parts 1, 2, and 101 of the Commission's Rules to License Fixed Services at 24 GHz, Notice of Proposed Rulemaking, WT Docket No. 99-327 (Nov. 10, 1999) ("*24 GHz Notice*").

consumers will have a minimum of four wireless methods of receiving last mile broadband connectivity—2.5 GHz, 24 GHz, 28-31 GHz and 39 GHz.

The Commission correctly recognizes that these fixed wireless bands offer an opportunity for new, start-up companies to offer local advanced telecommunications services that may soon provide a real alternative to the incumbent telephone company or cable operator.<sup>3</sup>

The Commission should adopt 24 GHz rules that reflect the Commission's goals for the deployment of broadband technologies. Chairman Kennard recently urged regulators at all government levels to seek to maximize consumer welfare by promoting the fast, ubiquitous, competitive and open deployment of broadband technologies.<sup>4</sup>

The Commission should also make every effort to ensure that any fixed wireless rules it adopts here are consistent with those already in place. Only last November, the Commission issued a Spectrum Policy Statement setting forth its thinking on future spectrum management.<sup>5</sup> In its Policy Statement, the Commission recognized the positive impact of harmonizing rules for like services:

Harmonization provides regulatory neutrality to help establish a level playing field across technologies and thereby foster more effective competition. Such a structure would permit reliance on

---

<sup>3</sup> See, e.g., *24 GHz Notice*, at ¶47. These fixed wireless options are but one part of the mosaic providing the public with technology options for bringing advanced communications to the home, work, schools, hospitals, community centers and government facilities.

<sup>4</sup> Remarks by William E. Kennard, Chairman Federal Communications Commission at the National Association of Telecommunications Officers and Advisors, 19th Annual Conference, Sept. 17, 1999.

<sup>5</sup> Principles for Reallocation of Spectrum to Encourage the Development of Telecommunications Technologies for the New Millennium, Policy Statement, FCC 99-354 (rel. Nov. 22, 1999) ("Policy Statement").

the marketplace to achieve the highest-valued use of the spectrum...”<sup>6</sup>

The fixed wireless broadband industry is at its very earliest stages. The Commission’s most recent report to Congress found that fixed wireless broadband technologies have the potential to offer facilities-based competition to wireline incumbents, but face significant regulatory, technical and financial obstacles.<sup>7</sup> To the extent that the Commission now believes that fixed wireless broadband operators require regulatory forbearance to reflect their status as an emerging industry with no market power, the Commission should extend this relief to licensees in all competing and comparable fixed services.<sup>8</sup>

PCIA believes that some of the proposals in the *24 GHz Notice*, if limited only to 24 GHz operations, would provide these licensees with advantages over other fixed licensees. Other 24 GHz-specific rules would simply create confusion for microwave licensees where none need exist. Rather than balkanize the microwave rules, the Commission should strive to apply the same rules to similar services whenever possible. Not only does this create competitive neutrality, but it makes the rules easier to apply and understand for licensees who might use more than one frequency band.

---

<sup>6</sup> Policy Statement, at ¶19.

<sup>7</sup> Fourth Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, FCC 99-136, Appendix F (rel. June 24, 1999) (“CMRS Report”).

<sup>8</sup> PCIA has advocated in the past and continues to enthusiastically support efforts by the Commission to consider additional streamlining and/or forbearance for all fixed operators. If necessary, the Commission could pursue forbearance in an omnibus proceeding for all fixed wireless operators.

PCIA urges the Commission to adopt 24 GHz operational and service rules that are consistent with other fixed wireless access services. For services authorized on an exclusive basis in a given area, the Commission should also ensure that its microwave rules allow for the implementation of point-to-multipoint operations as well as point-to-point operations, which is essential to the economic operation of fixed access systems. To do otherwise would ignore the Commission's goal of harmonization, create regulatory advantages for one frequency user over another, and promote regulatory balkanization of the rules.

**I. THE COMMISSION SHOULD GRANT FIXED SERVICES PRIMARY STATUS IN THE 24 GHZ BAND**

The Commission seeks comment as to whether it should amend the Table of Allocations to authorize mobile services in this band.<sup>9</sup> PCIA urges the Commission to retain the primary status of fixed services in these frequencies. The Commission correctly points out that equipment is not yet available in this band for mobile use. Nor has a demonstration been made that mobile operations would not interfere with fixed operations in this or other bands. The Commission will have a future opportunity to evaluate the potential compatibility of, and need for, mobile operations in this band. It has only been two years since the Commission first allocated the 24 GHz band for fixed operations. There is no need to change this decision and disrupt the potential investment climate for fixed broadband services at 24 GHz. The Commission may wish to authorize mobile services on a secondary basis in the band and/or limit their use to the

---

<sup>9</sup> 24 GHz Notice, at ¶¶ 6, 13.

licensee who also holds the fixed license. That way, fixed licensees would be able to introduce mobile options, when feasible, within the frequency parameters of their existing fixed licenses.<sup>10</sup>

PCIA also agrees with the Commission's tentative decision not to implement the BSS feeder link allocation at 25.05-25.25 GHz. As the *24 GHz Notice* reflects, there is still a tremendous discrepancy of views as to the separation needed between fixed operations and feeder link complexes.<sup>11</sup> While PCIA takes no position at this time on the technical merits of sharing between FS and BSS at this frequency, it notes that the Commission took a much more conservative view of the need for feeder link separation in the 28 GHz band by limiting fixed microwave operations in the subscriber-to-hub direction and placing strict location limits on feeder link complexes.<sup>12</sup> The Commission should not act precipitously here since it notes that there are more than seven years remaining before BSS can effectively use the 24 GHz band.

## **II. THE COMMISSION'S DECISION TO CREATE LICENSES BASED UPON ECONOMIC AREAS WILL LIMIT INVOLVEMENT OF SMALL BUSINESSES AND START-UP COMPANIES**

PCIA opposes the Commission's proposal to license the 24 GHz band on the basis of Economic Areas (EAs). As the Commission concluded for LMDS

---

<sup>10</sup> With this flexibility, fixed licensees would not need to burden the Commission with waiver requests or requests for experimental licenses for mobile uses conducted within the framework of their fixed frequencies.

<sup>11</sup> The three hundred miles of separation suggested by current licensees is substantially different than the 0.2 miles suggested by the DirectTV analysis. Further studies are necessary to resolve the differences and assure that all interference scenarios of the proposed service are considered.

<sup>12</sup> See 47 C.F.R. §§ 25.257 101.103(h), 101.1005(b)(2).

and initially concluded for 39 GHz, Basic Trading Areas (BTAs) or their equivalent are the appropriate size for fixed wireless access licensing areas. The extraordinarily large size of EAs will preclude smaller entities and start-up companies from participating in initial auctions, relegating them to potential aggregatee or partitionee status. PCIA is also concerned that the Commission seems to have rejected BTAs for a very limited reason, ignoring that Rand McNally copyright issues have been resolved in the past. The Commission should adopt BTAs, or their equivalent, as the licensing area.

The Commission has repeatedly found that BTA service areas are the appropriate size for fixed wireless operations. For LMDS, the Commission found that BTAs “serve as a logical geographic area for licensing LMDS because they represent the natural flow of commerce, comprising areas within which customers have a community of interest.”<sup>13</sup> The Commission concluded that BTAs were large enough to provide economies of scale so that typical providers would not need to combine BTAs in order to serve the marketplace in a timely and effective manner. The Commission also explained that the BTA was the appropriate size for offering combined one-way and two-way voice and data packages in competition with ILECs and cable operators “because BTAs closely approximate areas where consumers have a community of interest.” The Commission recognized that BTAs were appropriately sized for fixed wireless networks that must build out from a central urban center. As the Commission

---

<sup>13</sup> Establishment of Rules For Local Multipoint Distribution Service And Fortified Satellite Services, Second Report and Order, Order on Reconsideration, and Fifth Notice of Proposed Rulemaking, 12 FCC Rcd 12545, ¶136 (1997) (“*LMDS Order*”).

explained, "BTAs represent reasonable building blocks for establishing an LMDS system for both those seeking to offer regional coverage or those with limited business plans."<sup>14</sup>

For 39 GHz, the Commission initially determined that BTAs met its statutory obligation to create licensing areas that provide for a wide variety of applicants.<sup>15</sup> The Commission found that BTAs represent the natural flow of commerce, comprising areas within which consumers have a community of interest. The Commission concluded that BTAs provide economic opportunity for small businesses, rural telephone companies and businesses owned by minorities and women. The Commission also found that BTAs would promote investment and the rapid deployment of new technologies and services.<sup>16</sup> Then, as it tentatively finds herein, the Commission rejected BTAs for 39 GHz licenses because copyright concerns could cause "extended delays" in the licensing process.<sup>17</sup>

In rejecting calls for service areas larger than BTAs in previous fixed wireless proceedings, the Commission correctly explained that entities could aggregate licenses, through the auction or post-auction process, if they wished to

---

<sup>14</sup> *LMDS Order*, at ¶¶136-139.

<sup>15</sup> 47 U.S.C. §309(j)(4)(C).

<sup>16</sup> Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40 GHz Bands, Report and Order and Second Notice of Proposed Rulemaking, 12 FCC Rcd 18600, ¶¶13-15 (1997) ("*39 GHz Order*").

<sup>17</sup> *24 GHz Notice*, at ¶46, n. 27 citing Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40 GHz Bands, Memorandum Opinion and Order, ET Docket 95-183 (rel. July 26, 1999).

provide fixed service over wider service areas.<sup>18</sup> The Commission cannot, however, conclude that entities wishing to serve only smaller areas must purchase larger service areas than necessary and then hope to disaggregate or partition the license at a later date. Possible partitioning of unwanted service areas does not meet Congress' requirements for providing "economic opportunity" or the equitable distribution of licenses through auctions.<sup>19</sup> Requiring the purchase of service areas previously deemed larger than optimal by the Commission will merely burden small entities and start-up companies with unnecessarily large upfront payments, minimum bids, down payments and debt service. This makes it less likely that designated entities will be capable of purchasing licenses at auction. For licenses that might be won by designated entities, it is less likely that they will be able to serve sparsely populated portions of an EA license area due to debt service obligations—and the Commissions' "substantial service" requirements.

An Economic Area is almost three times as large as a Basic Trading Area. This size not only favors larger, better-financed entities in the auction process, but also makes it extremely difficult for a smaller entity to finance a business plan that requires service over such a large area.<sup>20</sup> The Commission's proposal favors incumbent wireless operators and other well-financed entities. Under the Commission's scenario, smaller entities either must take the risk of buying large

---

<sup>18</sup> 39 GHz Order, at ¶15; 24 GHz Notice, at ¶9.

<sup>19</sup> 24 GHz Notice, at ¶16.

<sup>20</sup> A small or very small entity not only will face the prospect of larger competitive bidding amounts, but also must contend with the larger up-front payments, down payment and minimum bid amounts that accompany an EA-based auction.

EAs and then hoping to disaggregate or partition them, or hope to purchase spectrum from larger auction winners through these mechanisms. PCIA respectfully suggests that the Commission has the structure entirely wrong. The spectrum should be auctioned in smaller license areas with bidding procedures established that permit an entity to combine license areas in the bidding process to meet its business plans. The Commission already has such a methodology in place.<sup>21</sup>

Smaller license areas will not hinder the Commission's desire to bring advanced services to rural and underserved areas. With smaller license areas, market forces will come into play. Entities will bid less for license areas with fewer and widely dispersed populations. These savings will permit them to spend more funds on network buildouts. Entities that seek to serve both an urban core and surrounding rural area can do so by purchasing both through the competitive bidding process. The Commission need not force licensees to serve rural areas through the creation of larger license areas. The bidding process, consumer demand, and improvements in fixed wireless technologies will promote the expansion into less populated regions.

The Commission seems to reject the use of BTAs for an extraordinarily narrow reason, namely, its concern over the matter of royalty payments to Rand McNally.<sup>22</sup> As the Commission correctly noted in its *39 GHz Order*, the matter of

---

<sup>21</sup> See 47 C.F.R. §1.2103(a).

<sup>22</sup> *24 GHz Notice*, at n. 27.

copyright royalties has been resolved in numerous previous licensing proceedings and need not be an impediment to making an important decision on the appropriate size of fixed wireless licenses.<sup>23</sup>

Based on PCIA's experience, copyright concerns do not create an insurmountable problem that either the Commission, with auction revenues, or applicants, through direct payments to Rand McNally, cannot resolve on an expedited basis. In the alternative, the Commission should select a service area that is similar in size to BTAs, but not covered by the Rand McNally copyright. For example, the Commerce Department's Bureau of Economic Analysis (BEA), creator of Economic Areas, also has defined 348 Component Economic Areas (CEAs) that are used as the building blocks of the larger EAs. As described by the BEA, "each CEA consists of a single economic node [defined as a metropolitan area or similar areas that serve as centers of economic activity] and the surrounding counties that are economically related to the node."<sup>24</sup> Ninety percent of nodes are metropolitan and ten percent non-metropolitan. Each metropolitan area (*e.g.*, an MSA or PMSA) is the node of a different CEA. The non-metropolitan nodes are non-metropolitan counties whose newspapers are widely read in those areas where they are published.<sup>25</sup>

CEAs, while still larger than optimally sized BTAs, are approximately half the size of EAs and provide both the economies of scale and community of

---

<sup>23</sup> 39 GHz Report, at ¶ 16 (1997).

<sup>24</sup> See Notice of Final Changes, Final Redefinition of the BEA Economic Areas, 60 FR 13114 (Mar. 10, 1995). A copy of the Federal Register publication of this document is attached to PCIA's comments.

<sup>25</sup> *Id.*

interests historically sought by the Commission.<sup>26</sup> PCIA urges the Commission to adopt either the BTA or CEA service area for 24 GHz licenses. These service areas are consistent with the Commission's previous decisions as to the appropriate geographic size for fixed wireless licenses and provide small entities and entrepreneurs a reasonable opportunity to bid upon and build out these networks.

### **III. THE COMMISSION SHOULD ALLOW LICENSEES ADDITIONAL FLEXIBILITY IN THEIR USE OF 24 GHZ SPECTRUM**

PCIA generally supports the Commission's proposal to create five blocks of 40 MHz spectrum pairs.<sup>27</sup> These blocks provide a reasonable opportunity for multiple entities to participate in auctions and then offer bundled offerings of advanced services. The Commission should, however, provide licensees additional flexibility to use these blocks as they see fit.

Under existing rules, licensees are limited in their ability to use the blocks in the most efficient way. Current rules dictate the directional usage of the spectrum pairs and may inadvertently hinder a licensee's choice of technologies. In particular, PCIA urges the Commission to consider providing 24 GHz licensees with the same spectrum usage flexibility granted to LMDS operators by modifying Section 101.147(r)(9) of its rules.<sup>28</sup> The table in this rule section designates one group of frequencies (24.25-24.45 GHz) for use at nodal stations and another set

---

<sup>26</sup> Even the smaller BTAs offer the scope and economic community needed for fixed wireless. *See LMDS Order*, n. 197.

<sup>27</sup> *24 GHz Notice*, at ¶16.

<sup>28</sup> 47 C.F.R. §101.147(r)(9).

(25.05-25.25 GHz) for use at user stations. This designation has the effect of prohibiting the use of innovative technologies such as Time Division Duplex (“TDD”) technology. By deleting the nodal station and user station designations for these bands, the Commission will permit licensees maximum flexibility in fashioning their networks and selecting frequency access schemes without causing harmful interference to co-channel or adjacent channel operations.<sup>29</sup>

The same rule also seems to prohibit the winner of multiple 40 MHz blocks in a service area from combining 40 MHz blocks into larger ones. Licensees should also be permitted to aggregate co-owned channel blocks to create blocks larger than 40 MHz in either or both directions.<sup>30</sup> For example, the holder of three 40 MHz channel pairs in a service area should be allowed to combine these pairs into a single 240 MHz block for bi-directional use or a 120 MHz block for nodal station communications and a 120 MHz block for user station communications, or any combination thereof. This flexibility is consistent both with the block

---

<sup>29</sup> The origin of the directional requirement is the 10 GHz DEMS allocation decision. Report and Order, 86 FCC 2d 360 (1981); Notice of Proposed Rulemaking, 44 Fed. Reg. 51257 (1979) (*10 GHz DEMS Notice*). That Notice proposed to put user stations in the upper end of the 10.55-10.68 GHz band in order to “minimize potential interference to possible future passive sensor operations.” See *10 GHz DEMS Notice*, at ¶ 24. When the 10 GHz DEMS allocation was adopted, the frequencies were listed in two columns, one column (Channel Group A) for nodal stations and the other (Channel Group B) for user stations. The Commission later allocated spectrum for DEMS at 18 GHz and simply added 18 GHz frequencies to the existing table. Second Report and Order in Docket No. 79-188, 48 Fed. Reg. 50322 (1983). At no time in the 10 GHz or 18 GHz proceedings was the issue of newer access schemes such as TDD technology raised. On the other hand, there were discussions of transmit/receive separation and the cost of filtering, thereby taking into account the needs of Frequency Division Duplex (FDD) technology. However, apart from a question of sharing with proposed passive sensors at 10 GHz, there appears to be no justification for limiting one subband for nodal station use and the other for user station use.

<sup>30</sup> Section 101.147(r)(9)(i) of the Commission’s Rules permits a licensee to subdivide a channel pair but does not permit the licensee to aggregate channel pairs.

assignments made to LMDS licensees in the 28/31 GHz bands<sup>31</sup> and the Commission's recent Spectrum Policy Statement.<sup>32</sup>

**IV. THE COMMISSION SHOULD INITIATE A FORBEARANCE PROCEEDING FOR ALL FIXED WIRELESS LICENSEES OPERATING AS COMMON CARRIERS IRRESPECTIVE OF FREQUENCY BAND**

PCIA supports the Commission's tentative decision to permit 24 GHz licensees to have the same flexibility in selecting their regulatory status as provided to licensees in other bands. PCIA strongly opposes, however, the Commission's proposal to consider Section 10 forbearance only for 24 GHz licensees.

The Commission tentatively concludes that a licensee should be allowed to identify its service offerings as common carriage or non-common carriage based upon established definitions of these terms. The licensee would be subject to regulation based upon its actual service offerings. A licensee could be subject to both treatment as a common carrier or non-common carrier in a single license and could change its status without prior consent of the Commission.<sup>33</sup> As the Commission notes, this practice is the same procedure provided to licensees operating in the MDS and LMDS bands.<sup>34</sup> PCIA believes that this practice provides licensees with the maximum possible freedom to choose their

---

<sup>31</sup> 47 C.F.R. §101.1005.

<sup>32</sup> In its Spectrum Policy Statement, the Commission seeks to promote new technologies and to give licensees more flexibility in their use of spectrum with a goal of promoting greater efficiencies in spectrum use. See Policy Statement.

<sup>33</sup> 24 GHz Notice, at ¶19.

<sup>34</sup> This procedure is also available to 39 GHz licensees. See 39 GHz Report, at ¶75.

mode of operation and end-user services consistent with the Communications Act of 1934.

For those 24 GHz licensees offering common carrier services, the Commission then asks whether it should exercise Section 10 forbearance from certain common carrier obligations.<sup>35</sup> PCIA believes that fixed broadband licensees should receive the maximum possible forbearance from common carrier regulations. However, the Commission should not undertake to adopt forbearance relief only for 24 GHz licensees, but consider extending this relief to all fixed wireless licensees irrespective of frequency band.

The fixed wireless industry readily meets the statutory requirements for Section 10 forbearance.<sup>36</sup> As the Commission recently found, fixed wireless is still in its earliest stages of development and has the "potential" to create facilities-based competition. These operators face significant regulatory, technical and competitive challenges that must be overcome before they can offer services on an equal footing with incumbent telephone companies or cable operators.<sup>37</sup> In particular, fixed wireless operators are competing against xDSL technologies, cable modems, fiber optics and satellite offerings provided by ILECs, CLECs, MSOs and others who have longstanding access to potential advanced service consumers. Therefore, the Commission could certainly find that its regulations are not necessary to ensure that fixed wireless carriers – with an extraordinary small broadband telecommunications market share – require

---

<sup>35</sup> 24 GHz Notice, at ¶35.

<sup>36</sup> 47 U.S.C. §160.

regulation in order to ensure practices that are just and reasonable or do not unjustly discriminate among customers. Nor do consumers require regulatory protection from these nascent broadband providers, who must compete for customers with monopoly providers. Finally, the public interest would be served by eliminating, to the greatest extent possible, regulations and reporting requirements that detract from these licensee's efforts to build out and establish alternative broadband networks.

The Commission should extend the same level of forbearance to all fixed wireless operators offering common carrier services, irrespective of their frequency band. Selective forbearance threatens to provide one group of fixed wireless licensees with a regulatory competitive advantage over other licensees offering a similar service. The Commission correctly concluded in its recent Spectrum Policy Statement that it rules should establish "regulatory neutrality" among similar technologies so that providers compete based on real advantages, not those established through regulatory arbitrage.<sup>38</sup> The Commission's *24 GHz Notice* identifies no reason to single out 24 GHz operators for forbearance while continuing to ignore operators in the MDS, LMDS and 39 GHz bands for comparable treatment.

PCIA welcomes the opportunity to provide the Commission with a comprehensive list of common carrier obligations from which all fixed wireless carriers should receive forbearance relief. As a first step, PCIA urges the

---

<sup>37</sup> See Fourth Annual CMRS Report, Appendix F.

<sup>38</sup> Policy Statement, at ¶19.

Commission to immediately relieve all fixed wireless carriers from the same common carrier regulations on which it has exercised forbearance for commercial mobile radio carriers. The Commission must not, however, adopt targeted forbearance that provides only one fixed wireless frequency band with relief from unnecessary regulations.

**V. THE COMMISSION SHOULD ADOPT LICENSE TERMS AND RENEWAL EXPECTANCIES CONSISTENT WITH LICENSES IN OTHER FIXED WIRELESS FREQUENCIES**

PCIA urges the Commission to adopt license terms and renewal expectancies consistent with those of other fixed wireless licensees. Otherwise, the Commission will create unnecessary distinctions between similar radio services that could create confusion and regulatory advantages between competing licensees.

PCIA supports a 10-year license term for 24 GHz licenses. Ten years is consistent with the license term for LMDS and 39 GHz operators. PCIA is unaware of any circumstances unique to 24 GHz buildout requirements or operations that could justify a longer license term. If the Commission concludes that 24 GHz licenses should exceed 10 years, it should also extend the license terms for all other fixed wireless licenses.

The Commission tentatively concludes that it should adopt a renewal expectancy for 24 GHz licensees that weighs “substantial service” to the community as a criteria for renewal.<sup>39</sup> PCIA believes that this standard provides

---

<sup>39</sup> 24 GHz Notice, at ¶33.

licensees with significant flexibility in determining how to implement their business plans while providing the Commission with a tangible renewal criteria.

The Commission then asks whether it should instead adopt a numerical renewal standard that would require a 24 GHz licensee to transmit over 1/3 of its license area population by the mid point of the license term and 2/3 of its license area population by the end of its license term.<sup>40</sup> PCIA opposes this alternative means of establishing renewal expectancy. First, strict numerical coverage levels are inconsistent with that required of other fixed wireless operators.<sup>41</sup> To avoid confusion, licensees offering similar services should be subject to a similar renewal expectancy standard. Second, the Commission has yet to experience any problems with fixed wireless licensees failing to meet their “substantial service” obligations that justifies an arguably stricter renewal standard here. The Commission should complete at least one renewal cycle before considering a break from its “substantial service” standard. Third, a numerical standard will make the 24 GHz band even less conducive to bidding by small and start-up businesses. As PCIA noted earlier, the EA license area will make it very difficult for smaller entities to find the resources to bid in these auctions. The “one-third—two-thirds” rule will make it even more difficult for these entities to attract the necessary financing to build out these huge service areas.

If the Commission adopts this numerical measure as its renewal expectancy, PCIA suggests that the Commission exempt small and very small

---

<sup>40</sup> *Id.*

<sup>41</sup> See 47 C.F.R. §101.1011; see also 47 C.F.R. §101.17.

entities from this standard and instead permit them to meet the “substantial service” test. The Commission may also consider modifying this numerical requirement to take into account the fact that several 24 GHz licensees may be operating in the same service area. Rather than imposing a geographic reach provision on each licensee, the Commission may wish to fashion a standard that weighs the overall population reached by at least one licensee in that service area. That way, each licensee need not build out within its service areas merely to meet renewal obligations, but only to provide service where populations are otherwise unserved by competing carriers.

#### **VI. THE COMMISSION SHOULD FURTHER SIMPLIFY ITS PROPOSED COORDINATION RULES**

PCIA applauds the Commission’s tentative decision to adopt wide area licensing in this band and to eliminate the requirement of individual licensing for even nodal stations.<sup>42</sup> While PCIA supports a coordination requirement for nodal stations, PCIA agrees with the Commission that unnecessary coordination should be avoided. The Commission’s current coordination distance of 80 km is quite large and results in unnecessary coordination in many cases.

The line-of-sight coordination trigger proposed by the Commission has merit, but the definition of line-of-sight needs further clarification. For example, the Commission should identify over what subscriber terminal altitude line-of-sight applies and whether to include or exclude foliage or other man-made

---

<sup>42</sup> 24 GHz Notice, at ¶¶38-39.

obstructions such as buildings when determining line-of-sight. We suggest that the Commission rethink its line-of-sight standard for requiring coordination.

PCIA also suggests that the power flux density (pfd) at a service area boundary should also be considered as a coordination criteria. Further study is required to determine which combination of distance, line-of-sight and pfd are best for establishing coordination obligations and to determine specific values for each of these criteria.

#### **VII. THE EMISSION LIMITATIONS RULES SHOULD BE CONSISTENT WITH STANDARDS FOR OTHER SERVICES ABOVE 15 GHZ**

The Commission proposes an emission limitation rule for 24 GHz that is different than that already in place for other digital services above 15 GHz. The proposed rule also does not account for aggregation of channels. Proposed section 101.111(1)(a)(4) requires attenuation of as much as 80 dB whereas the rule for other digital services above 15 GHz—101.111(a)(2)(ii)—requires at most 56 dB of attenuation. In addition, attenuation should be more restrictive as spectrum is aggregated, but the rule, as drafted, would provide for just the opposite. The Commission should carefully consider the need for distinct emission limitation rules for 24 GHz operations.

#### **VIII THE COMMISSION SHOULD ADOPT LARGER AUCTION CREDITS TO ASSIST DESIGNATED ENTITIES**

PCIA supports the Commission's tentative decision to provide small and very small entities with bidding credits in any competitive bidding that may ensue.

While PCIA supports the Commission's proposed definition for these types of designated entities, it believes that the bidding credits are too small. Because the Commission has proposed an extraordinarily large license area, smaller entities will require greater assistance to compete in these auctions.

The Commission proposes a bidding credit of 15 percent for small businesses and 25 percent for very small businesses.<sup>43</sup> Because these entities will be attempting to bid on much larger EAs and bidding against 24 GHz incumbents, PCIA urges the Commission to increase the bidding credit for these entities. PCIA suggests that the Commission adopt the LMDS rules that call for a 45 percent bidding credit for very small businesses and a 35 percent bidding credit for small businesses.<sup>44</sup> PCIA also suggests that the Commission adopt the LMDS "entrepreneur" credit of 25 percent.

In the alternative, the Commission should not finalize bidding credits for the 24 GHz auctions until after it evaluates the results of the 39 GHz auctions. The FCC indicates that it is proposing lower credit levels than it did for LMDS because the capital requirements for 24 GHz are similar to those for 39 GHz. Yet even the Commission indicates that capital costs will vary widely.<sup>45</sup> PCIA cannot speculate as to whether the Commission's bidding credit levels for 39 GHz will result in any licenses for designated entities. Therefore, PCIA suggests

---

<sup>43</sup> *Id.*, at ¶¶48-49.

<sup>44</sup> 47 C.F.R. §101.1107.

<sup>45</sup> *24 GHz Notice*, at ¶49.

that the Commission first evaluate the results of the upcoming 39 GHz auctions.<sup>46</sup>

If the bidding credit levels prove too low to aid smaller entities there, the Commission should adopt higher credits for the 24 GHz auctions, such as those adopted for LMDS. This minor delay will assure that the Commission carries out its statutory obligation to ensure that its auction procedures result in the dissemination of licenses among a wide variety of applicants including small businesses.<sup>47</sup>

---

<sup>46</sup> The Wireless Telecommunications Bureau recently announced that this action would commence on April 11, 2000. See Public Notice, DA 99-2624 (rel. Nov. 23, 1999).

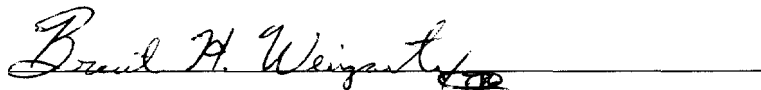
<sup>47</sup> 47 U.S.C. §309(j)(3)(B).

## **IX. CONCLUSION**

PCIA applauds the Commission's efforts to open the 24 GHz band to additional providers of advanced services. The Commission should ensure that its rules do not disadvantage smaller companies and entrepreneurs nor create unnecessary regulatory distinctions between 24 GHz licensees and other fixed wireless operators.

Respectfully submitted,

**PERSONAL COMMUNICATIONS  
INDUSTRY ASSOCIATION**

A handwritten signature in cursive script, reading "Brent H. Weingardt", followed by a horizontal line.

Mary McDermott, Senior Vice President and Chief of  
Staff for Government Relations

Brent H. Weingardt, Vice President

**PERSONAL COMMUNICATIONS  
INDUSTRY ASSOCIATION**

500 Montgomery Street, Suite 700

Alexandria, VA 22314

(703) 739-0300

January 19, 2000

Compliance Division at the above address. Comments and other available information will be considered in determining which pilot programs to conduct. FGIS will publish notice of any pilot programs to be conducted.

Any information collection or recordkeeping requirements that may result from a pilot program will be submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

**Authority:** Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: March 3, 1995.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 95-5996 Filed 3-9-95; 8:45 am]

BILLING CODE 3410-EN-F

## DEPARTMENT OF COMMERCE

### Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Agency:** National Oceanic and Atmospheric Administration.

**Title:** West Coast Salmon Northwest Emergency Assistance Plan.

**Agency Form Number:** None.

**OMB Approval Number:** None.

**Type of Request:** New Collection.

**Burden:** 11,706 burden hours.

**Number of Respondents:** 5,445.

**Avg Hours Per Response:** Varies depending on the requirement but ranges between 1 and 40 hours.

**Needs and Uses:** A Federal financial assistance program has been established for fishermen in the Northwest who can document losses resulting from the resource disaster in the salmon fishery. Fishermen will be able to apply for two short-term job programs or apply for participation in a fishing permit buy-back program.

**Affected Public:** Individuals, businesses or other for-profit organizations, not-for-profit institutions, state, local or tribal government.

**Frequency:** Varies by requirement from one-time to quarterly.

**Respondent's Obligation:** Required to obtain or retain benefits.

**OMB Desk Officer:** Don Arbuckle, (202) 395-7340.

Copies of the above information collection proposal can be obtained by

calling or writing Gerald Tache, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: March 6, 1995.

Gerald Tache,

Departmental Forms Clearance Officer, Office of Management and Organizations.

[FR Doc. 95-5932 Filed 3-9-95; 8:45 am]

BILLING CODE 3510-CW-F

## Bureau of Economic Analysis

[Docket 950-3020-64-5064-01]

### Final Redefinition of the BEA Economic Areas

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Notice of final changes.

**SUMMARY:** This is the third and final Federal Register notice relating to the redefinition of the BEA economic areas (EA's). In the first notice (56 FR 13049, March 9, 1993), BEA announced its "Intent to Revise the Boundaries of the BEA Economic Areas" and presented the procedures used to define the then-current EA's. In the second notice (59 FR 55416, November 7, 1994), BEA presented for public comment a "Proposed Redefinition of the BEA Economic Areas," which reduced their number from 183 to 174. This third notice presents the 172 EA's of the final redefinition, which reflects changes based on the comments received. In Alaska and western Montana, BEA is combining two EA's into one; and in Washington and Minnesota, BEA is reassigning a county from one EA to another.

**EFFECTIVE DATE:** April 10, 1995, BEA's regional economic measurement, analysis, and projections programs will use the new set of 172 EA's whenever EA data are presented.

**ADDRESSES:** Written inquiries may be sent to Kenneth Johnson, U.S. Department of Commerce, Bureau of Economic Analysis BE-61, Regional Economic Analysis Division, Washington, DC 20230; fax (202) 606-5321. Inquiries also may be sent by electronic mail on the Internet to "kenneth.johnson@bea.doc.gov".

**FOR FURTHER INFORMATION CONTACT:** Kenneth Johnson, (202) 606-9219; fax (202) 606-5321.

## SUPPLEMENTARY INFORMATION:

### Part I: Background

Under authority granted in 15 U.S.C. § 175 *et seq.*, BEA develops and presents geographically detailed economic data and facilitates regional economic analysis. As part of this obligation, in 1977, BEA defined 183 economic area (EA's) covering the entire nation. The 1995 redefinition is necessary to maintain the analytical usefulness of the areas in light of the substantial changes in area commuting patterns shown by the 1990 Census of Population.

Each EA consists of one or more economic nodes—metropolitan areas or similar areas that serve as centers of economic activity—and the surrounding counties that are economically related to the nodes. (Metropolitan areas include metropolitan statistical areas (MSA's), primary metropolitan statistical areas (PMSA's), and New England county metropolitan areas (NECMA's).) Commuting patterns are the main factor used in determining the economic relationship among counties. The EA definition procedure requires that, as far as possible, each area include both the place of work and the place of residence of its labor force.

For some analyses, government agencies and businesses need data that are more geographically detailed than EA data. Government agencies often use relatively small areas for design of their program regulations or implementation of their licensing programs. Businesses need such detail for determining plant locations and for defining sales and marketing territories. BEA is responding to these needs as part of the EA redefinition by first defining a set of 348 "Component Economic Areas" (CEA's) and then using these as building blocks for redefining the larger EA's.

Each CEA consists of a single economic node and the surrounding counties that are economically related to the node. Of the nodes, 90 percent are metropolitan, and 10 percent are nonmetropolitan. Each metropolitan area is the node of a different CEA; with minor exceptions, the nonmetropolitan nodes are nonmetropolitan counties where newspapers widely read in these areas are published.

In general, the procedure used to redefine the EA's is similar to that used in 1977. First, nodes are identified. Then, non-nodal counties are assigned to nodes, mainly based on commuting patterns and on newspaper circulation. A procedural difference is that now node identification and the assignment to nodes of non-nodal counties are done in a more systematic way and at a more

geographically detailed level. The procedure first results in the definition of CEA's, which then are aggregated to form EA's.

## Part II: Summary of Comments and Responses

In the previous Federal Register notice (59 FR 55416, November 7, 1994), BEA proposed the definition of 348 CEA's and 174 EA's. Persons who wished to comment on the proposal were given until December 22, 1994, to do so. Of 12 comments received, seven suggested no changes, and five suggested changes. In response to the comments, in two instances, BEA is combining two EA's into one and thus is reducing their number from 174 to 172; in two other instances, BEA is reassigning a county from one EA to another. In one comment, a change was proposed in the criteria for identifying CEA's, and in another comment, a delay was proposed in the date when the new EA's become effective; neither of these comments affects the final EA definition.

### 1. Economic Area Combinations

In the previous notice, BEA proposed two EA's, each a CEA as well, for Alaska—Anchorage and the Panhandle; a mountain range limits economic ties between the areas. In one comment, it was noted that for the two proposed EA's, a consistent set of regional economic data could be provided only for 1980 forward; prior to 1980, the Bureau of the Census used different boundaries for the "Divisions" of Alaska for which it assembled data. To overcome the data limitation, the final redefinition combines the two proposed EA's into one statewide EA, named for Anchorage. The proposed CEA's are retained, and they are subject to the data limitation.

In addition, in the previous notice, BEA proposed two EA's, each a CEA as well, for western Montana—Missoula and Butte. In one comment, it was suggested that commuting across these EA boundaries is not minimal; in contrast, in another comment, the proposed EA's were endorsed. In response to the first comment, the final redefinition combines the two proposed EA's into one EA, named for Missoula. In response to the second comment, the proposed CEA's are retained.

### 2. County Reassignments

In the previous notice, BEA proposed to assign Koochiching County, MN, to the Minneapolis EA and Kittitas County, WA, to the Seattle EA. In comments, it was noted that shopping opportunities attract many Koochiching residents to

the Duluth EA and many Kittitas residents to the Richland EA. In addition, Koochiching residents are attracted by Duluth's recreational opportunities. In a further review of commuting data, BEA confirmed that nearly as many Koochiching residents commute to work to the Duluth EA as to the Minneapolis EA; and nearly as many Kittitas residents commute to work to the Richland EA as to the Seattle EA. Accordingly, Koochiching is reassigned to the Duluth EA, and Kittitas is reassigned to the Richland EA.

### 3. Identification of CEA's Having Nonmetropolitan Nodes

In the previous notice, BEA proposed that each CEA that has a nonmetropolitan node should contain at least five counties that are linked by ties of labor-force commuting, as well as of newspaper circulation. In one comment, it was suggested that newspaper circulation data should play a larger role in the identification of such CEA's. In particular, counties that are locations of newspapers read by specified numbers of persons could be identified as nonmetropolitan nodes, regardless of the number of counties economically tied to the nodes. In BEA's view, economic ties among counties should be given substantial weight in the identification of CEA's.

### 4. Effective Date for the New Economic Areas

The U.S. Department of Transportation's Bureau of Transportation Statistics (BTS) presents data from its Commodity Flow Survey for regions; the regions, called National Transportation Analysis Regions (NTAR's), are groupings of the EA's previously published. This new set of EA's might entail a new set of NTAR's. In comments on the previous notice, BTS requested that BEA delay the effective date for the new EA's by one or two years in order to provide enough time for BTS and BEA to coordinate their area redefinitions. BEA cannot accommodate this request because it is committed to preparing economic projections for the redefined EA's as part of the set of BEA regional projections to be prepared this year (1995).

## Part III: Map and List of the New 172 BEA Economic Areas

Codes from 001 to 172 are assigned to the new EA's in approximate geographic order, beginning with 001 in northern Maine, continuing south to Florida, then north to the Great Lakes, and continuing in a serpentine pattern to the West

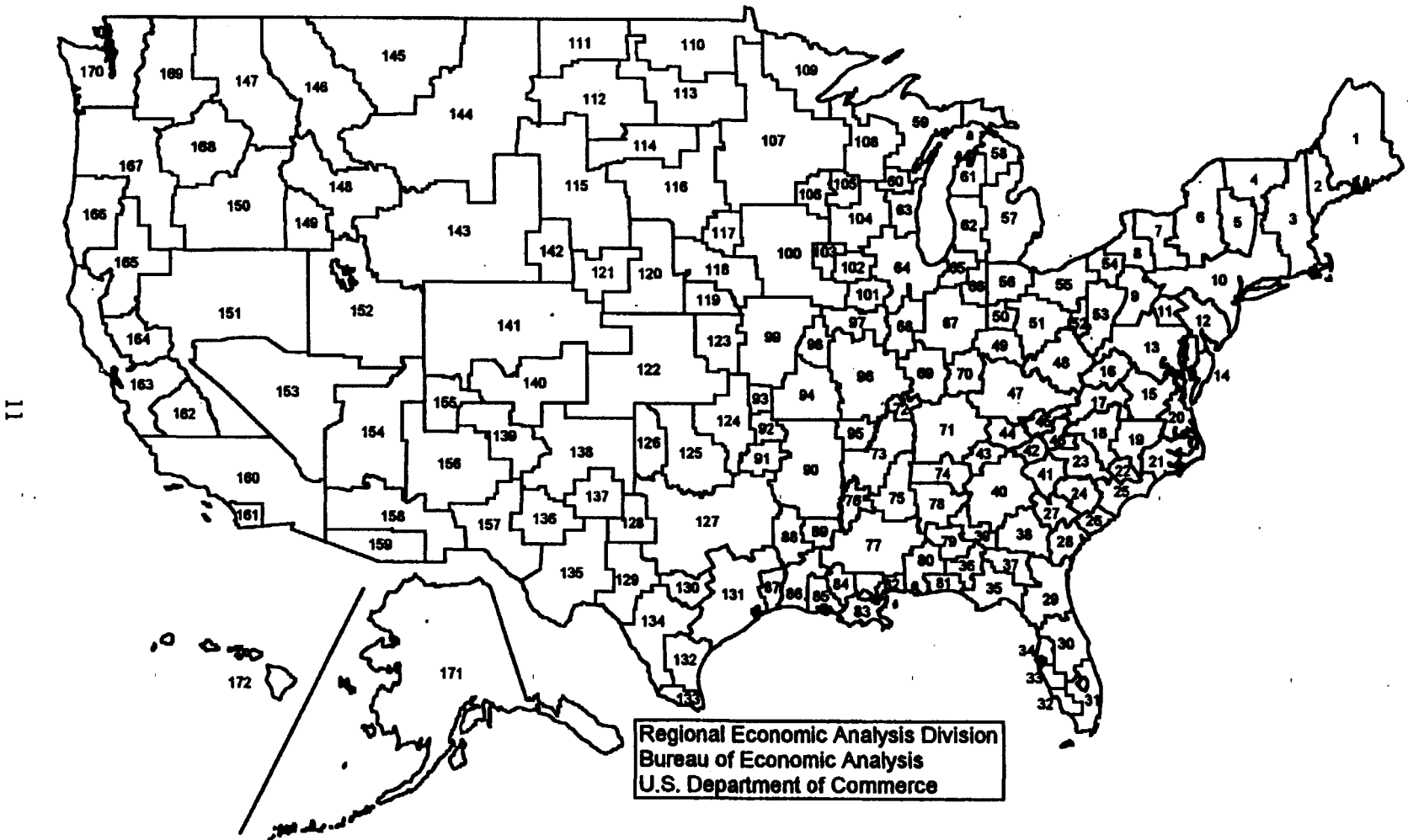
Coast. Analysts are cautioned that these codes differ from those in the previous notice. Except for the Western Oklahoma EA (126), the Northern Michigan EA (058), and the 17 EA's that mainly correspond to consolidated metropolitan statistical areas (CMSA's), each EA is named for the metropolitan area or city that is the node of its largest CEA and that is usually, but not always, the largest metropolitan area or city in the EA. The following list provides EA codes and names. EA boundaries and codes are shown on the map following the list.

EA code	Name
001 .....	Bangor, ME.
002 .....	Portland, ME.
003 .....	Boston-Worcester-Lawrence-Lowell-Brockton, MA-NH.
004 .....	Burlington, VT.
005 .....	Albany-Schenectady-Troy, NY.
006 .....	Syracuse, NY.
007 .....	Rochester, NY.
008 .....	Buffalo-Niagara Falls, NY.
009 .....	State College, PA.
010 .....	New York-No. New Jersey-Long Island, NY-NJ-CT-PA (CMSA-70)
011 .....	Harrisburg-Lebanon-Carlisle, PA.
012 .....	Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD (CMSA-77)
013 .....	Washington-Baltimore, DC-MD-VA-WV (CMSA-97)
014 .....	Salisbury, MD.
015 .....	Richmond-Petersburg, VA.
016 .....	Staunton, VA.
017 .....	Roanoke, VA.
018 .....	Greensboro-Winston-Salem-High Point, NC.
019 .....	Raleigh-Durham-Chapel Hill, NC.
020 .....	Norfolk-Virginia Beach-Newport News, VA-NC.
021 .....	Greenville, NC.
022 .....	Fayetteville, NC.
023 .....	Charlotte-Gastonia-Rock Hill, NC-SC.
024 .....	Columbia, SC.
025 .....	Wilmington, NC.
026 .....	Charleston-North Charleston, SC.
027 .....	Augusta-Aiken, GA-SC.
028 .....	Savannah, GA.
029 .....	Jacksonville, FL.
030 .....	Orlando, FL.
031 .....	Miami-Fort Lauderdale, FL (CMSA-56).
032 .....	Fort Myers-Cape Coral, FL.
033 .....	Sarasota-Bradenton, FL.
034 .....	Tampa-St. Petersburg-Clearwater, FL.
035 .....	Tallahassee, FL.
036 .....	Dothan, AL.
037 .....	Albany, GA.
038 .....	Macon, GA.
039 .....	Columbus, GA-AL.
040 .....	Atlanta, GA.
041 .....	Greenville-Spartanburg-Anderson, SC.
042 .....	Asheville, NC.
043 .....	Chattanooga, TN-GA.
044 .....	Knoxville, TN.

EA code	Name	EA code	Name	EA code	Name
045 .....	Johnson City-Kingsport-Bristol, TN-VA.	087 .....	Beaumont-Port Arthur, TX.	133 .....	McAllen-Edinburg-Mission, TX.
046 .....	Hickory-Morganton, NC.	088 .....	Shreveport-Bossier City, LA.	134 .....	San Antonio, TX.
047 .....	Lexington, KY.	089 .....	Monroe, LA.	135 .....	Odessa-Midland, TX.
048 .....	Charleston, WV.	090 .....	Little Rock-North Little Rock, AR.	136 .....	Hobbs, NM.
049 .....	Cincinnati-Hamilton, OH-KY-IN (CMSA-21).	091 .....	Fort Smith, AR-OK.	137 .....	Lubbock, TX.
050 .....	Dayton-Springfield, OH.	092 .....	Fayetteville-Springdale-Rogers, AR.	138 .....	Amarillo, TX.
051 .....	Columbus, OH.	093 .....	Joplin, MO.	139 .....	Santa Fe, NM.
052 .....	Wheeling, WV-OH.	094 .....	Springfield, MO.	140 .....	Pueblo, CO.
053 .....	Pittsburgh, PA.	095 .....	Jonesboro, AR.	141 .....	Denver-Boulder-Greeley, CO (CMSA-34).
054 .....	Erie, PA.	096 .....	St. Louis, MO-IL.	142 .....	Scottsbluff, NE.
055 .....	Cleveland-Akron, OH (CMSA-28).	097 .....	Springfield, IL.	143 .....	Caster, WY.
056 .....	Toledo, OH.	098 .....	Columbia, MO.	144 .....	Billings, MT.
057 .....	Detroit-Ann Arbor-Flint, MI (CMSA-35).	099 .....	Kansas City, MO-KS.	145 .....	Great Falls, MT.
058 .....	Northern Michigan, MI.	100 .....	Des Moines, IA.	146 .....	Missoula, MT.
059 .....	Green Bay, WI.	101 .....	Peoria-Pekin, IL.	147 .....	Spokane, WA.
060 .....	Appleton-Oshkosh-Neenah, WI.	102 .....	Davenport-Moline-Rock Island, IA-IL.	148 .....	Idaho Falls, ID.
061 .....	Traverse City, MI.	103 .....	Cedar Rapids, IA.	149 .....	Twin Falls, ID.
062 .....	Grand Rapids-Muskegon-Holland, MI.	104 .....	Madison, WI.	150 .....	Boise City, ID.
063 .....	Milwaukee-Racine, WI (CMSA-63).	105 .....	La Crosse, WI-MN.	151 .....	Reno, NV.
064 .....	Chicago-Gary-Kenosha, IL-IN-WI (CMSA-14).	106 .....	Rochester, MN.	152 .....	Salt Lake City-Ogden, UT.
065 .....	Elkhart-Goshen, IN.	107 .....	Minneapolis-St. Paul, MN-WI.	153 .....	Las Vegas, NV-AZ.
066 .....	Fort Wayne, IN.	108 .....	Wausau, WI.	154 .....	Flagstaff, AZ.
067 .....	Indianapolis, IN.	109 .....	Duluth-Superior, MN-WI.	155 .....	Farmington, NM.
068 .....	Champaign-Urbana, IL.	110 .....	Grand Forks, ND-MN.	156 .....	Albuquerque, NM.
069 .....	Evansville-Henderson, IN-KY.	111 .....	Minot, ND.	157 .....	El Paso, TX.
070 .....	Louisville, KY-IN.	112 .....	Bismarck, ND.	158 .....	Phoenix-Mesa, AZ.
071 .....	Nashville, TN.	113 .....	Fargo-Moorhead, ND-MN.	159 .....	Tucson, AZ.
072 .....	Paducah, KY.	114 .....	Aberdeen, SD.	160 .....	Los Angeles-Riverside-Orange County, CA (CMSA-49).
073 .....	Memphis, TN-AR-MS.	115 .....	Rapid City, SD.	161 .....	San Diego, CA.
074 .....	Huntsville, AL.	116 .....	Sioux Falls, SD.	162 .....	Fresno, CA.
075 .....	Tupelo, MS.	117 .....	Sioux City, IA-NE.	163 .....	San Francisco-Oakland-San Jose, CA (CMSA-84).
076 .....	Greenville, MS.	118 .....	Omaha, NE-IA.	164 .....	Sacramento-Yolo, CA (CMSA-82).
077 .....	Jackson, MS.	119 .....	Lincoln, NE.	165 .....	Redding, CA.
078 .....	Birmingham, AL.	120 .....	Grand Island, NE.	166 .....	Eugene-Springfield, OR.
079 .....	Montgomery, AL.	121 .....	North Platte, NE.	167 .....	Portland-Salem, OR-WA (CMSA-79).
080 .....	Mobile, AL.	122 .....	Wichita, KS.	168 .....	Pendleton, OR.
081 .....	Pensacola, FL.	123 .....	Topeka, KS.	169 .....	Richland-Kennewick-Pasco, WA.
082 .....	Biloxi-Gulfport-Pascagoula, MS.	124 .....	Tulsa, OK.	170 .....	Seattle-Tacoma-Bremerton, WA (CMSA-91).
083 .....	New Orleans, LA.	125 .....	Oklahoma City, OK.	171 .....	Anchorage, AK.
084 .....	Baton Rouge, LA.	126 .....	Western Oklahoma, OK.	172 .....	Honolulu, HI.
085 .....	Lafayette, LA.	127 .....	Dallas-Fort Worth, TX (CMSA-31).		
086 .....	Lake Charles, LA.	128 .....	Abilene, TX.		
		129 .....	San Angelo, TX.		
		130 .....	Austin-San Marcos, TX.		
		131 .....	Houston-Galveston-Brazoria, TX (CMSA-42).		
		132 .....	Corpus Christi, TX.		

BILLING CODE 3510-06-M

# BEA ECONOMIC AREAS February 1995



#### Part IV: Availability of Additional Information

The codes, names, and numerical counts of the counties contained in each EA and CEA and of the CEA's contained in each EA are available through two electronic services from the Commerce Department's STAT-USA: For the Economic Bulletin Board (EBB), use a personal computer and modem, dial (202) 482-3870, and follow the instructions. For Internet, access the EBB using Telnet address "ebb.stat-usa.gov" for remote login, and download the file named "eacodes.exe." For prices and other information about these services, call (202) 482-1986.

The codes, names, and numerical counts are also available on a 3½-inch, high-density diskette for \$20. When ordering, please specify the BEA Accession Number 61-95-40-101. Send your order, along with a check or money order payable to "Bureau of Economic Analysis," to Public Information Office, Order Desk BE-53, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230. For further information or to order using MasterCard or VISA, call (202) 606-3700.

Carol S. Carson,  
Director.

[FR Doc. 95-6008 Filed 3-9-95; 8:45 am]

BILLING CODE 3510-06-M

#### Bureau of Export Administration

##### Materials Technical Advisory Committee; Open Meeting

A meeting of the Materials Technical Advisory Committee will be held April 6, 1995, 10:30 a.m., in the Herbert C. Hoover Building, Room 1617M(2), 14th & Pennsylvania Avenue NW., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to advanced materials and related technology.

##### Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Presentation by the Office of Strategic Industries and Economic Security on the services it provides to companies engaged in the export of controlled commodities.
4. Presentation by the Office of Chemical and Biological Controls and Treaty Compliance and agreements affecting export of Category 1 commodities.

5. Discussion on ECCN 1C60C: Precursor and intermediate chemicals used in the production of chemical warfare agents. Specifically, on whether or not control on Item 25, hydrogen fluoride, includes hydrofluoric acid.

The meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter  
TAC Unit/OAS/EA—Room 3886C  
Bureau of Export Administration  
U.S. Department of Commerce  
Washington, DC 20230

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482-2583.

Dated: March 7, 1995.

Lee Ann Carpenter,  
Director, Technical Advisory Committee Unit.  
[FR Doc. 95-6009 Filed 3-9-95; 8:45 am]  
BILLING CODE 3510-DT-M

#### Foreign-Trade Zones Board

[Order No. 731]

##### Grant of Authority for Subzone Status; Amoco Oil Company (Oil Refinery) Texas City, TX

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment \* \* \* of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a-81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Texas City Foreign Trade Zone

Corporation (formerly Foreign Trade Zone of Texas City-Gulf Coast, Inc.), grantee of Foreign-Trade Zone 199, for authority to establish special-purpose subzone status at the oil refinery complex of Amoco Oil Company, in Texas City, Texas, was filed by the Board on March 10, 1993, and notice inviting public comment was given in the *Federal Register* (FTZ Docket 8-93, 58 FR 16396, 3-26-93); and,

Whereas, the Board has found that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval is subject to the conditions listed below;

Now, therefore, the Board hereby authorizes the establishment of a subzone (Subzone 199A) at the Amoco Oil Company refinery complex, in Texas City, Texas, at the locations described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

1. Foreign status (19 CFR 146.41, 146.42) products consumed as fuel for the refinery shall be subject to the applicable duty rate.
2. Privileged foreign status (19 CFR 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR 146.42) may be elected on refinery inputs covered under HTSUS Subheadings # 2709.00.1000-# 2710.00.1050 and # 2710.00.2500 which are used in the production of:
  - petrochemical feedstocks and refinery by-products (examiners report, Appendix D);
  - products for export; and,
  - products eligible for entry under HTSUS # 9808.00.30 and 9808.00.40 (U.S. Government purchases).
3. The authority with regard to the NPF option is initially granted until September 30, 2000, subject to extension.

Signed at Washington, DC, this 3rd day of March 1995.

Paul L. Joffe,  
Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 95-6010 Filed 3-9-95; 8:45 am]

BILLING CODE 3510-DS-P